

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 14-323 (DSD/LIB)

United States of America,

Plaintiff,

v.

ORDER

Rex Lee Furman,

Defendant.

Melinda A. Williams, United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415 and Alexandra R. Gelber, U.S. Department of Justice, 1400 New York Avenue NW, Suite 600, Washington, DC 20530, counsel for plaintiff.

Manvir K. Atwal, Office of the Federal Defender, 300 South Fourth Street, Suite 107, Minneapolis, MN 55415, counsel for defendant.

This matter is before the court upon the motion for judgment of acquittal by defendant Rex Lee Furman. Furman made the motion at trial after the close of all evidence. The court reserved decision on the motion until after the jury returned its verdict. The jury found Furman guilty of thirteen counts of production of child pornography, two counts of distribution of child pornography, one count of receipt of child pornography, one count of possession of child pornography, and one count of commission of a felony offense involving a minor at a time when he was required to register as a sex offender. The court now addresses the motion.

Upon a defendant's motion, the court "must enter a judgment of

acquittal of any offense for which the evidence is insufficient to sustain a conviction." Fed. R. Crim. P. 29(a). When considering a motion for judgment of acquittal based on sufficiency of the evidence, the court views the evidence "in the light most favorable to the verdict, giving it the benefit of all reasonable inferences." United States v. Cacioppo, 460 F.3d 1012, 1021 (8th Cir. 2006) (citation and internal quotation marks omitted). The court will grant the motion "only if there is no interpretation of the evidence that would allow a reasonable jury to find the defendant guilty beyond a reasonable doubt." Id. (citation and internal quotation marks omitted).

In the present case, the government offered evidence that was more than sufficient to sustain a conviction. Therefore, denial is warranted. Accordingly, **IT IS HEREBY ORDERED** that the motion for judgment of acquittal is denied.

Dated: October 23, 2015

s/David S. Doty
David S. Doty, Judge
United States District Court